D. REMARKS

Specification

Applicants have amended the specification above to include the application serial numbers of the related cross-references.

Claims

1. Claims 1-5, 8-16, 19-27, and 30-56

Claims 1-5, 8-16, 19-27, and 30-56 stand rejected under 35 U.S.C. §102(e) as being anticipated by Chang et al. (US Patent Number 6,105,012) (hereafter referred to as Chang). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksma*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Because Chang no longer teaches each and every element of claims 1-5, 8-16, 19-27 and 30-56 or enables each and every element of these claims, these claims are not anticipated, the rejection should be withdrawn, and the claims should be allowed.

Claims 1, 14, and 25

Independent method claim 1, which is representative of independent system claim 14 and independent computer program product claim 25, with regard to similarly recited subject matter and rejection, reads as follows:

> 1. A method, in at least one server system for enabling at least one real time chat messaging session channel via a network between at least a selection of a plurality of separate client systems communicatively connected to said network, for recording a real time chat messaging session, said method comprising the steps of:
>
> applying a separate distinguishable digital watermark to each of a plurality of message entries communicated within [a] said chat messaging session, wherein each said separate distinguishable digital watermark identifies a separate origin of said message entry from among said plurality of separate client systems; and

> recording a log of said chat messaging session, wherein said log comprises said plurality of messaging entries with each said separate distinguishable watermark applied, such that an origin of each of said plurality of message entries stored in said log is traceable and the integrity of each of said plurality of message entries stored in said log is verifiable according to said distinguishable watermark.

The Examiner cites Chang as teaching "the invention as claimed including a method and apparatus for securely transmitting transactions from an application program (see abstract)." [Office Action, p. 2] In addition, with regards to the elements of claims 1 and 25, the Examiner states grounds of rejections as follows:

> applying a distinguishable watermark to a plurality of message entries within a messaging session (fig. 1, fig. 2, col. 4, lines 21-31, Chang discloses messages given a digital signature); and
>
> recording said plurality of messaging entries with said distinguishable watermark applied, such that an origin of said plurality of message entries traceable according to said distinguishable watermark (col. 5, lines 55-67, Chang discloses an audit trail that keeps track of users and their digital signatures on messages and a digital signature signifying a particular user which identifies the origin of the message). [Office Action, pp. 2-3]

Applicants have amended claims 1, 14, and 25 to distinguish the invention from Chang and therefore traverse the amended elements in view of Chang. Applicants respectfully assert that Chang does not teach, expressly or inherently, or enable the invention of amended claims 1, 14, and 25 because Chang does not teach or enable at least one of the elements of amended claims 1, 14, and 25.

Chang does not teach or enable a method, in at least one server system for enabling at least one real time chat messaging session channel via a network between at least a selection of a plurality of separate client systems communicatively connected to said network, for recording a real time chat messaging session

Applicants respectfully assert that Chang does not teach or enable a method, system, or program, performed in a server system that enables real time chat messaging session channels via a network between separate client system communicatively connected to the network.

The Examiner cites Chang as teaching "the invention as claimed including a method and apparatus for securely transmitting transactions from an application program (see abstract)." [Office Action, p. 2] The abstract describes:

> "[a] financial transaction processing system includ[ing] at least one financial server connected through a public network to a number of users associated with client computers. Each user accesses the financial server through a web browser. The web browser is provided with the capabilities to generate encryption keys, to encrypt and decrypt HTML forms, and to digitally sign and timestamp HTML forms. The financial server transfers web pages including HTML forms representing financial transactions. [...] An HTML form can be transmitted in an encrypted format, in a format including a user's digital signature and timestamp, and in an encrypted format that contains the user's digital signature and timestamp. The financial server tracks each processed transaction through an audit trail including the user's account, the user's digital signature, the timestamp of the transaction, and the text of the transaction."

Figures 1 and 2 of Chang show a financial server 102 that communicates with each client computer 106, to send an HTML document in a plain or encrypted format and receive a message with the form data. Further, Chang describes a "financial transaction processing system" that "is used to ensure that financial transactions are securely transmitted between the user and server across a public network" (col. 1, lines 59-61).

Applicants note that Chang's financial server communicates with each individual client computer to facilitate individual transactions, but does not facilitate communication between each of the individual client systems. Further, Chang does not teach or enable a server system that facilitates chat based communication between the client computers. In contrast, claim 1 is amended to clarify that chat messaging session recording is performed in a server system that enables a chat messaging session channel between separate client systems to facilitate real time electronic conversation. In particular, the Microsoft Computer Dictionary defines "chat" as "real-time conversation via computer. When a participant types a line of text and then presses the Enter key, that participant's words appear on the screens of the other participants, who can then respond in kind." *Microsoft Computer Dictionary*, 5th Edition, p. 97. Applicants respectfully assert that a financial transaction processing system for securing the communication between a

client system and the server does not teach or enable a chat server system that facilitates chat messaging session channels that enable real-time communication between client systems.

Additionally, Applicants note that claim 2 previously read "applying said distinguishable watermark and recording said plurality of messaging entries at a messaging server system communicatively connected via a network to said plurality of client systems accessible to a plurality of users." The Examiner rejected claim 2 on the grounds of "fig. 1, fig. 2, col. 1, lines 55-65, Chang discloses a group of users associated with client computers interconnected by a network to a server that applies and tracks the messages including the digital signatures." [Office Action, p. 3] Applicants note that while Chang does a financial transaction server that is accessible to multiple client systems for securing individual transactions with each client, Chang does not teach or enable that financial transaction server facilitating a communication channel between the client systems. Claim 1 is amended to teach a chat server that is not merely communicatively connected via a network to the client systems, but facilitates a real time communication channel between the separate client systems.

Therefore, because Chang does not teach or enable a server that facilitates chat messaging sessions between multiple separate client systems or the recording of a chat messaging session, Chang does not teach or enable at least one element of claims 1, 14, and 25. Because Chang does not teach or enable at least one element of claims 1, 14, and 25, the rejection under 102(e) should be removed and the claims allowed.

Chang does not teach or enable applying a separate distinguishable digital watermark to each of a plurality of message entries communicated within said chat messaging session, wherein each said separate distinguishable digital watermark identifies a separate origin of said message entry from among said plurality of separate client systems

First, Applicants respectfully assert that Chang does not teach or enable applying a separate distinguishable watermark to each of a plurality of message entries communicated within a chat messaging session, where each watermark identifies a separate origin of the message entry from among the multiple client systems because Chang does not teach "applying a watermark". In the rejection, the Examiner equates applying a watermark as reading on Chang's disclosures that "messages [are] given a digital signature". [Office Action, p. 2] Further, with

reference to applying watermarks to message entries, the Examiner cites Chang, col. 4, lines 21-31, which read:

> "In addition, the web browser 216 is equipped with encryption procedures 220, timestamp procedures 228, digital signature procedures 230, and random key generation procedures 232. The random key generation procedures 232 are used to generate session keys that are used in conjunction with the encryption procedures 220 to encrypt a return message. The digital signature 230 and timestamp 228 procedures enable the web browser to digitally sign and timestamp a return message 143. In addition, the initialization procedures 226 enable the web browser 216 to generate encryption keys 218 that are used to represent and verify the user's digital signature.

Applicants respectfully assert that Chang's financial transaction system with a web browser enabled to digital sign and timestamp return messages does not teach or enable a chat server that applies distinguishable watermarks to each message entry within a session because a "digital signature" does not teach or enable a "digital watermark". The Microsoft Computer Dictionary defines a "digital signature" as "a security mechanism used on the Internet that relies on two keys, one public and one private, that are used to encrypt messages before transmission and to decrypt them on receipt." Microsoft Computer Dictionary, 5th Edition, p. 159, published by Microsoft Press, 2002. In contrast, separately, the Microsoft Computer Dictionary defines a "digital watermark" as "a unique identifier embedded in a file to deter piracy and prove file ownership and quality. Digital watermarking is often used with graphics and audio files to identify the owner's rights to these works." Microsoft Computer Dictionary, 5th Edition, p. 160, published by Microsoft Press, 2002 (emphasis added). Moreover, the specification of the present invention indicates that watermarking includes "modifying the text, graphics, video, or audio included in a messaging session in a way such that the *origin of the messaging session is traceable and the integrity of the messaging session is later verifiable*" (Specification, p. 8, lines 19 -22) (emphasis added). Thus, digital signatures and digital watermarks are different types of digital protection with different purposes; a financial transaction system that enables web browsers to apply digital signatures does not teach or enable a chat server that applies watermarks to real time chat messaging session entries to identify the client system originating each entry.

Second, Applicants respectfully assert that Chang does not teach or enable applying a separate distinguishable watermark to each of a plurality of message entries communicated within a chat messaging session, where each watermark identifies a separate origin of the message entry from among the multiple client systems because Chang does not teach a chat server that applies separate watermarks to message entries, where the watermarks identify the client systems originating each message entry. As previously described, Figures 1 and 2 of Chang describe a financial server 102 that communicates with each client computer 106, to send an HTML document in a plain or encrypted format and receive an encrypted and/or signed message with the form data. Chang does not teach a server that applies a watermark to messages to identify the originating client system. Further, Chang does not teach a server that facilitates real time chat messaging sessions between multiple separate client systems and applies watermarks to the messages to identify the origin of each message as one of the separate client systems. In contrast, claim 1 teaches a server that facilitates a chat messaging session between multiple client systems applying a separate distinguishable digital watermark to each of a plurality of message entries communicated within said chat messaging session, wherein each said separate distinguishable digital watermark identifies a separate origin of said message entry from among said plurality of separate client systems.

Additionally, Applicants note that the Examiner previously rejected claim 4, now canceled, which read "applying a plurality of distinguishable watermarks, each associated with a separate one of a plurality of users, to said plurality of message entries within a messaging session", as reading on col. 5, lines 55-67 of Chang. [Office Action, p. 4] Col. 5, lines 55-67 describes the audit trail that records a separate entry for each separate transaction between a client system and the transaction server. The entry will include a digital signature if the transaction already included in a digital signature on the form. Thus, the Examiner associated an audit trail of completed transactions with a messaging session. Regardless of whether the Examiner's previous assertion was correct, Applicants note that claim 1 is amended to clarify that the messaging session is not a database of entries for completed transactions, but is a real time chat messaging session facilitated by the chat server between multiple client systems and

that the watermarks are applied to real time chat messaging session entries and not to a record of past transactions.

Therefore, because Chang does not teach or enable at least one element of claims 1, 14, and 25. Because Chang does not teach or enable at least one element of claims 1, 14, and 25, the rejection under 102(e) should be removed and the claims allowed.

Chang does not teach or enable recording a log of said chat messaging session, wherein said log comprises said plurality of messaging entries with each said separate distinguishable watermark applied

Applicants respectfully assert that Chang does not teach or enable recording a log of the chat messaging session, wherein the log comprises the messages entries with watermark applied because Chang does not teach recording a log of the entries from a real time chat messaging session. In the rejection, the Examiner equates "recording said plurality of message entries with said distinguishable watermark applied" to col. 5, lines 55-67 which the Examiner summarizes as disclosing "an audit trail that keeps track of users and their digital signatures on messages and a digital signature signifying a particular user which identifies the origin of the message.". [Office Action, p. 3] Applicants note that claim 1 is amended to read "recording a log of the chat messaging session, wherein the log comprises said plurality of messaging entries with each said separate distinguishable watermark applied." While Chang describes an audit trail that records one transaction with one client, the amendment to claim 1 teaches a log of a messaging session, with multiple message entries from multiple separate client system. Further, while Chang describes recording a single transaction in each entry, the amendment to claim 1 teaches recording a log of the messages with watermarking passing through the real time communication channel facilitated by the chat server between the multiple client systems. Therefore, because Chang does not teach recording a log of a chat messaging session, Chang does not teach or enable at least one element of claims 1, 14, and 25. Because Chang does not teach or enable at least one element of claims 1, 14, and 25, the rejection under 102(e) should be removed and the claims allowed.

Claims 2-5, 8-13, 15, 16, 19-24, 26, 27, and 30-35

In addition, because claims 1, 14, and 25 are not anticipated by Chang, at least by virtue of their dependency on claims 1, 14, and 25, Chang does not teach or enable each element of dependent claims 3, 5, 8, 9, 12, 13, 16, 19, 20, 23, 24, 27, 30, 31, 34, and 35 under 35 U.S.C. §102(e). Because anticipation is not established for claims 3, 5, 8, 9, 12, 13, 16, 19, 20, 23, 24, 27, 30, 31, 34, and 35, Applicants respectfully request allowance of claims 3, 5, 8, 9, 12, 13, 16, 19, 20, 23, 24, 27, 30, 31, 34, and 35. Claims 2, 4, 10, 11, 15, 21, 22, 26, 32, and 33 are canceled.

Applicants note that claims 3, 5, 8, 9, 12, 13, 16, 19, 20, 23, 24, 27, 30, 31, 34, and 35 are each amended to reflect the amendments made to claims 1, 14, and 25.

In addition, with regards to claim 3, Applicants amend this claims to reflect amendments to independent claim 1. In addition, Applicants respectfully assert that Chang does not teach or enable amended claim 3, which reads as follows:

> 3. (Currently Amended) The method for recording a chat messaging session according to claim 1, said method further comprising the step of:
>
> applying each said separate distinguishable digital watermark and recording said log of said chat messaging session with said plurality of messaging entries at a particular client system from among said ~~separate one of a~~ plurality of client systems ~~communicatively connected via a network to said plurality of client systems accessible to a plurality of users~~.

The Examiner rejected claim 3 as taught by Chang, figures 1 and 2, col. 1, lines 55-65 and col. 8, lines 31-38, which the Examiner summarizes as disclosing "a digital signature created on a client computer." [Office Action, p. 3] Applicants note that while Chang does disclose "a digital signature created on a client computer," Chang does not teach or enable the amended claim that teaches a particular client system applying the separate watermarks to the message entries to identify other client systems from which a message is received and recording the log of the real time conversation with the watermarked entries at one of the client systems. Because Chang does not teach at least one element of claim 3, Chang does not anticipate claim 3 and the claims should be allowed.

Claims 36, 41, and 46

Independent method claim 36, which is representative of independent system claim 41 and independent computer program product claim 46, with regard to similarly recited subject matter, reads as follows:

> 36. (Currently Amended) A method, in a particular client system from among a plurality of clients systems enabled to communicate with one another through a chat messaging session channel facilitated by a chat messaging server via a network, for participating in a chat messaging session facilitated through said chat messaging session channel, said method comprising the steps of:
>
> participating in a chat messaging session by receiving from said chat messaging server a plurality of messaging entries as each messaging entry is entered by [from] separate ones of a plurality of separate users participating in said chat messaging session through separate ones of said plurality of client systems; and
>
> receiving, separate from participating in said chat messaging session, a recording of said chat messaging session from said chat messaging server, wherein said plurality of message entries for said chat messaging session are [watermarked] each embedded by a separate digital watermark, wherein each said separate digital watermark identifies a separate origin of each of said plurality of message entries from among separate ones of said plurality of client systems, such that use of said recording of said chat messaging session is traceable according to a watermark.

The Examiner cites the following ground of rejection of claims 36, 41, and 46:

> Regarding claims 36, 41, and 46, Chang teaches the method, system, and program for participating in a messaging session, said method, system, and program further comprising the step of:
>
> participating in a messaging session by receiving a plurality of messaging entries from a plurality of users participating in said messaging session (fig. 1, fig. 2, col. 1, lines 55-65); and
>
> receiving a recording of said messaging session, wherein said plurality of message entries for said messaging session are watermarked, such that use of said recording of said messaging session is traceable according to a watermark (col. 5, lines 55-67). [Office Action, pp. 7-8]

Applicants have amended claims 36, 41, and 46 to distinguish the invention from Chang and therefore traverse the amended elements in view of Chang. Applicants respectfully assert that Chang does not teach, expressly or inherently, or enable the invention of amended claims 36, 41,

and 46 because Chang does not teach or enable at least one of the elements of amended claims 36, 41, and 46.

Chang does not teach or enable a method, in a particular client system from among a plurality of clients systems enabled to communicate with one another through a chat messaging session channel facilitated by a chat messaging server via a network, for participating in a chat messaging session facilitated through said chat messaging session channel,

Applicants respectfully assert that Chang does not teach or enable a method, system, or program, performed in a particular client system from among multiple clients systems, where the multiple client systems are enabled to communicate via a chat messaging session channel facilitated by a chat messaging server via a network.

As previously discussed with reference to claim 1, the Examiner cites Chang as teaching "the invention as claimed including a method and apparatus for securely transmitting transactions from an application program (see abstract)." [Office Action, p. 2] Regarding claims 36, 41, and 46, the Examiner cites Figures 1 and 2, col. 1, lines 55-65 and col. 5, lines 55-67. Applicants note again that Figures 1 and 2 of Chang show a financial server 102 that communicates with each client computer 106, to send an HTML document in a plain or encrypted format and receive a message with the form data. Further, Chang describes a "financial transaction processing system" that "is used to ensure that financial transactions are securely transmitted between the user and server across a public network" (col. 1, lines 59-61). The financial server transmits forms to a client system and the web browser at the client system is enabled to return messages to the financial server, where the messages contain form data and may be encrypted and digitally signed. *Chang*, col. 4, lines 8-19.

Applicants note that Chang's financial server communicates with each individual client computer to facilitate individual transactions, but does not facilitate communication between each of the individual client systems. Further, Chang does not teach or enable a server system that facilitates chat based communication between the client computers. In contrast, claim 1 is amended to clarify that chat messaging session participation is performed by a particular client system from among multiple client systems which are enabled to communicate with one another

in real time conversation via a chat messaging session channel facilitated by a chat messaging server. As previously discussed, real time chat based messaging session communication is not taught or enabled by the transaction based communication described by Chang.

Therefore, because Chang does not teach or enable a particular client system that participates in a chat messaging session facilitated through a chat messaging session channel by a chat server between multiple client systems, Chang does not teach or enable at least one element of claims 36, 41, and 45. Because Chang does not teach or enable at least one element of claims 36, 41, and 45, the rejection under 102(e) should be removed and the claims allowed.

Chang does not teach or enable participating in a chat messaging session by receiving from said chat messaging server a plurality of messaging entries as each said messaging entry is entered by separate ones of a plurality of separate users participating in said chat messaging session through separate ones of said plurality of client systems

Applicants respectfully assert that Chang does not teach or enable a client system participating in a chat messaging session because Chang does not teach or enable a chat messaging session between client systems via a central chat messaging server. Applicants amend claims 36, 41, and 46 to clarify that the messaging session is a real time chat based messaging session, facilitated by a chat messaging server and participated in by client systems. As previously described, Chang only describes a transaction server that can communicate with different client systems (e.g. col. 1, lines 56-561: "The present invention pertains to a system and method for providing a secure communication mechanism between a financial server and a user associated with a web browser. The communication mechanism is used to ensure that financial transactions are securely transmitted between the user and server across a public network. "), but does not facilitate real time, chat based communication between the different client systems. Thus, because Chang does not teach or enable a client system participating in a chat messaging session, Chang does not teach at least one element of claims 36, 41, and 46. Because Chang does not teach at least one element of claims 36, 41, and 46, the rejection under 102(e) should be removed and the claims allowed.

Chang does not teach or enable receiving, separate from participating in said chat messaging session, a recording of said chat messaging session from said chat messaging server, wherein said plurality of message entries for said messaging session are each embedded by a separate digital watermark, wherein each said separate digital watermark identifies a separate origin of each of said plurality of message entries from among separate ones of said plurality of client systems, such that use of said recording of said messaging session is traceable according to a watermark

First, Applicants respectfully assert that Chang does not teach or enable a client system that receives, separate from participation in a messaging session, a recording of the chat messaging session that includes watermarked entries, where each digital watermark identifies a separate origin of each entry from among the other client systems because Chang does not teach or enable watermarking. As previously discussed with reference to claim 1, the application of digital signatures to transactions in Chang does not teach or enable the embedding of digital watermarks in a chat messaging session entry.

Second, Applicants respectfully assert that Chang does not teach or enable a client system that receives, separate from participation in a messaging session, a recording of the chat messaging session that includes watermarked entries, where each digital watermark identifies a separate origin of each entry from among the other client systems because Chang does not teach or enable a client system to receive a log of the messaging session entries of other client systems. In particular, Chang describes a financial transaction system for ensuring "that financial transactions are securely transmitted between the user and server across a public network." *Chang*, col. 1, lines 59-61. Further, Chang describes an audit trail of individual transactions stored at the financial server, not at client systems. *Chang*, col. 5, lines 55-67. Chang does not teach a client system that participates in real time communication through a chat messaging session between multiple client systems, much less a client system that separately receives a log of the real time communication. In contrast, claim 36 is amended to clarify that in addition to participating in the chat messaging session in real time, a client system separately receives a log recording the chat messaging session with watermarked entries identifying the origin of each message entry entered during the chat messaging session.

Therefore, because Chang does not teach or enable digital watermarking or a client system that receives a log of a chat messaging session with message entries from other client

systems, Chang does not teach or enable at least one element of claims 36, 41, and 45. Because Chang does not teach or enable at least one element of claims 36, 41, and 45, the rejection under 102(e) should be removed and the claims allowed.

Claims 37-40, 42-45, and 47-50

In addition, because claims 36, 41, and 46 are not anticipated by Chang, at least by virtue of their dependency on claims 36, 41, and 46, Chang does not teach or enable each element of dependent claims 37-39, 42-44, and 47-49 under 35 U.S.C. §102(e). Because anticipation is not established for claims 37-39, 42-44, and 47-49, Applicants respectfully request allowance of claims 37-39, 42-44, and 47-49. Claims 40, 45, and 50 are canceled.

Claim 51-53

Claims 51-53 are canceled.

Claims 54-56

Independent method claim 54, which is representative of independent system claim 55 and independent computer program product claim 56, with regard to similarly recited subject matter and rejection, reads as follows:

> 54. (Currently Amended) A method, in a particular client system from among a plurality of clients systems enabled to communicate with one another through a chat messaging session channel facilitated by a chat messaging server via a network, for protecting message entries ~~transmissions~~, said method comprising the step of:
>
> detecting a new message entry entered at a client messaging system, wherein said new message entry is intended for transmission through said chat messaging session channel to said plurality of client system participating in a chat messaging session; and
>
> applying a digital watermark to said new message entry prior to transmission for distribution within [a] said chat messaging session, wherein said digital watermark identifies an origin of said new message entry from said particular client system, such that an origin of said new message entry is traceable to said client messaging system.

The Examiner cites the following ground of rejection of claims 54 and 56:

> detecting a new message entry entered at a client messaging system; and
> applying a watermark to said new message entry prior to transmission for distribution within a messaging session, such that an origin of said new message entry is traceable to said client messaging system. (fig. 1, fig. 2, col. 4, lines 21-31, col. 5, lines 55-67). [Office Action, p. 10]

In addition, the Examiner cites the additional ground of rejection of claim 55 of Chang, col. 1, lines 55-65.

Applicants have amended claims 54-56 to distinguish the invention from Chang and therefore traverse the amended elements in view of Chang. Applicants respectfully assert that Chang does not teach, expressly or inherently, or enable the invention of amended claims 54-56 because Chang does not teach or enable at least one of the elements of amended claims 54-56.

First, as discussed with reference to claim 36, Chang does not teach a particular client system enabled to communication with other client systems via a chat messaging session channel facilitated by a chat messaging server for enabling real time electronic communication between the client systems. Applicants have amended claims 54-56 to clarify that the method, system, and program are performed in a client system enabled to communicate with other client systems in a chat messaging session facilitated by a chat messaging server. Thus, regardless of the Examiner's previous assertions as to the teachings of Chang, Chang does not teach or enable the method, system or program in a particular client system from among a plurality of clients systems enabled to communicate with one another through a chat messaging session channel facilitated by a chat messaging server via a network or detecting a new message entry entered at a client messaging system, wherein said new message entry is intended for transmission through said chat messaging session channel to said plurality of client system participating in a chat messaging session.

Second, as discussed with reference to claims 1 and 36, Chang does not teach applying digital watermarks or applying digital watermarks to entries of a chat messaging session. Applicants have amended claims 54-56 to clarify that the client system applies a digital watermark that identifies the origin of the new message entry as coming from the particular client system and applies the digital watermark prior to transmission for distribution within the chat messaging session. Thus, regardless of the Examiner's previous assertions as to the teachings of Chang, Chang does not teach or enable applying a digital watermark to said new

message entry prior to transmission for distribution within said chat messaging session, wherein said digital watermark identifies an origin of said new message entry from said particular client system, such that an origin of said new message entry is traceable to said client messaging system.

2. Claims 6, 7, 17, 18, 28, and 29

Claims 6, 7, 17, 18, 28, and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chang in view of Rodriguez (US Patent Number 6,650,761). The rejection is respectfully traversed. In particular, the Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Because the Examiner does not carry the burden of proving a prima facie case of obviousness for claims 6, 7, 17, 18, 28, and 29, the rejection should be withdrawn and the claims should be allowed.

Dependent method claims 6 and 7, which are representative of dependent system claims 17 and 18 and dependent computer program product claims 28 and 29, with regard to similarly recited subject matter and rejection, reads as follows:

> 6. (Currently Amended) The method for recording a chat messaging session according to claim 1, said step of applying a separate distinguishable digital watermark further comprising the step of:
>
> applying a separate graphical watermark to each of said plurality of message entries within said chat messaging session.

> 7. (Currently Amended) The method for recording a chat messaging session according to claim 1, said step of applying a separate distinguishable digital watermark further comprising the step of:
>
> applying a[n] separate audible watermark to each of said plurality of message entries within said chat messaging session.

The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. In particular, in establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). In addition, in establishing a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference

or to combine reference teachings. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). Applicants respectfully assert that the Examiner does not show and the references do not teach or suggest, separately or in combination, applying a separate graphical watermark to each of said plurality of message entries within said chat messaging session or applying an audible watermark to said plurality of message entries within said chat messaging session.

The Examiner cites Chang as failing to teach the limitation including the use of a graphical and audible watermark. [Office Action, p. 11] The Examiner cites Rodriguez, however, as teaching:

> "systems using such optical interfaces to control computers, and to navigate over or act as portals on networks (see abstract). Rodriguez teaches the use of an audio watermark (col. 44, lines 66-67) and a graphical watermark (col. 53, lines 51-58)." [Office Action, p. 9]

The Examiner then concludes that:

> "It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chang in view of Rodriguez to use a graphical and audible watermark. One would be motivated to do so because it would allow for different options of visible watermarking." [Office Action, p. 9]

Rodriguez describes "embedding auxiliary data into music (i.e. watermarking)" where the watermark is may include multiple types of information, such as "a digital object identifier to uniquely identify the work" (Rodriguez, col. 42, lines 15-16, 52-58). Col. 44, lines 66-67 of Rodriguez teach that "[a]nother data field that can be included in an audio watermark is a rating that indicates age-appropriateness." In addition, col. 53, lines 50-58 teach:

> "According to another aspect of the invention, a production tool is provided that facilitates the selection and embedding of dynamically-changing watermark data. One such embodiment is a software program having a user interface that graphically displays the different watermark fields that are being embedded in a work, and presents a library of data (textually or by icons) that can be inserted into each field, and/or permits the user to type in data to be encoded."

First, Chang in view of Rodriguez does not teach applying a separate graphical watermark or audible watermark to each of said plurality of chat message entries within a chat messaging session because neither Chang nor Rodriguez teaches applying a watermark to message entries. As previously described with reference to claim 1, Chang does not teach

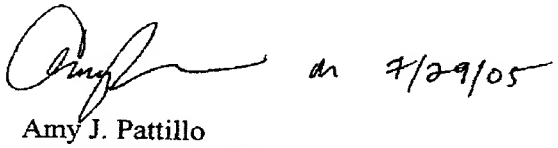
applying a watermark a message entry or applying a watermark to a real time chat session based message entry. In addition, Rodriguez teaches applying a watermark to a music file in a digital format, which does not teach applying a watermark to a message entry. Therefore, because Chang and Rodriguez, separately or combination, do not teach applying a watermark to chat message entries, the references also do not teach applying a separate graphical watermark or audible watermark to each of said plurality of chat message entries within a chat messaging session. Because the references to not teach at least one element of claims 6 and 7, the claims are not obvious under Chang in view of Rodriguez under 35 U.S.C. 103(a) and therefore claims 6, 7, 17, 18, 28, and 29 should be allowed.

Conclusion

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment. Further, Applicants reiterate the request for a telephone conference with the Examiner at the Examiner's earliest convenience.

Respectfully submitted,



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